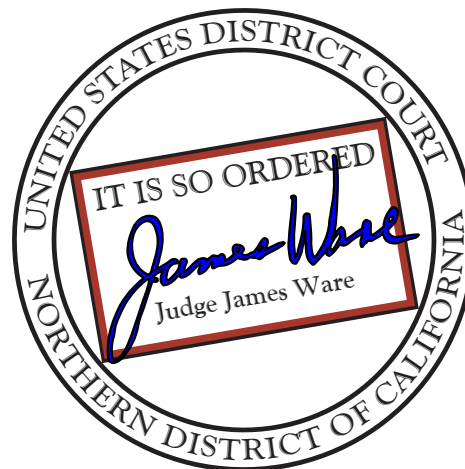


MICHAEL T. LUCEY (SBN: 099927)
 CAROL C. COPSEY (SBN: 110375)
 GORDON & REES LLP
 Embarcadero Center West
 275 Battery Street, Suite 2000
 San Francisco, CA 94111
 Telephone: (415) 986-5900
 Facsimile: (415) 986-8054
 Attorneys for Defendant
 LELAND STANFORD JUNIOR UNIVERSITY



UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JAMES LEE STEWART, an individual,
 Plaintiff,

vs.

LELAND STANFORD JUNIOR UNIVERSITY,
 Defendant.

CASE NO. C07 04061 RS

**JOINT STATEMENT RE: CASE
 STATUS**

**ORDER VACATING HEARING
 ON ORDER TO SHOW CAUSE
 RE: DISMISSAL; SETTING
 CASE MANAGEMENT
 CONFERENCE**

In compliance with the Court's April 18, 2008 Order, the parties Plaintiff James Lee Stewart ("Plaintiff") and Defendant Leland Stanford, Jr. University ("Defendant") hereby submit this Joint Statement re: Case Status.

Pursuant to the parties' Stipulation of April 16, 2008, Plaintiff was to respond by April 22, 2008 to Defendant's April 8, 2008 position statement and request to withdraw and dismiss the case. Not having heard a response, on April 23, 2008, Defendant's counsel contacted Plaintiff's counsel requesting a response. Plaintiff's counsel orally requested that Defendant stipulate to an Amendment to the Complaint for Declaratory Relief regarding Plaintiff's Union's withdrawal of Plaintiff's grievance "without prejudice". Defendant's declined to so stipulate; the

///

///

1 parties plan another meet and confer call. Defendant, pursuant to the parties' April 16, 2008
 2 Stipulation, will respond to Plaintiffs' Complaint by May 16, 2008.

3
 4 Dated: April 28, 2008



Steve Zavodnick, Esq.
 Counsel for Plaintiff
 James Lee Stewart

5
 6
 7 Dated: April 29, 2008




Carol C. Copsey, Esq.
 Counsel for Defendant
 Leland Stanford, Jr. University

8
 9
 10
 11
 12 ***** ORDER *****

13 In evaluating the parties' Joint Status Report, it is clear that the parties have been
 14 unable to reach a settlement as previously represented to the Court. The Court issued
 15 the original Order to Show Cause Re: Dismissal because there was an issue with respect
 16 to whether Plaintiff had properly served Defendant. However, at the March 17, 2008
 17 hearing, counsel for Defendant appeared and agreed to accept service on Defendant's
 18 behalf. The parties have since attempted to settle their dispute.

19 Since the issue of proper service is no longer before the Court, the Court withdraws
 20 its Order to Show Cause Re: Dismissal. In addition, since Defendant represents that it
 21 will file a response to Plaintiff's Complaint by May 16, 2008, the Court sets a Case
 22 Management Conference for **June 2, 2008 at 10 a.m.** The parties shall file a Joint Case
 23 Management Statement on or before **May 23, 2008**. The Statement shall set forth a
 24 good faith discovery plan, with a specific date for close of all discovery.

25 Dated: April 30, 2008


 JAMES WARE
 United States District Judge